

The Commonwealth of Massachusetts

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November 15, 2004

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : BioSquare Phase II
PROJECT MUNICIPALITY : Boston (South End)
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 12021
PROJECT PROPONENT : University Associates Limited
Partnership
DATE NOTICED IN MONITOR : August 11, 2004

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the FEIR, the proposed project involves development of 428,700 square feet (sf) of medical research space, 1,400 parking space garage (approximately 496,000 sf), and associated infrastructure on a 14.5-acre site along Albany Street. The project includes a 194,000 sf building that will contain a "Level 4 Biocontainment" national research facility. The BioSquare Phase II project functions as an expansion of the BioSquare Phase I project (a.k.a. the University Associates Project, EOEA #7034), which completed the EIR review process in 1991 and the Moakley Services Center Project (EOEA #11883).

Standard and Purpose of MEPA Review

Aspects of the project, in particular the biocontainment facility, have generated substantial concerns in the comments received. As part of the MEPA process, I will not make substantive judgments as to the proposed land use, nor will I act as an agent of appeal or affirmation of local land use decisions. MEPA is not a zoning process, nor is it a permitting process.



MEPA review does not in itself result in any formal adjudicative decision approving or disapproving a project. The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. After completion of the EIR process, the state permitting agencies must then issue substantive decisions on whether or not to permit those aspects of the project within their respective jurisdictions. If permits are issued, the state agencies must incorporate the information in the EIR process into their required Section 61 Findings, thus formalizing the mitigation commitments contained in the EIR.

Section 11.08(8)(c) of the MEPA Regulations requires me to find an FEIR adequate even if certain aspects of the project or issues require additional technical or descriptive analysis, so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR..., that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of additional analysis prior to any Agency taking Agency Action on the Project." The MEPA Office has reviewed the FEIR submitted and the written comments from the permitting agencies and others. I find that the FEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. The project may proceed to permitting agencies.

Thresholds and Jurisdiction

The project requires the preparation of a mandatory EIR. It will need to obtain an Access Permit from the Massachusetts Highway Department (MHD). The project will require a Sewer Connection Permit, a Notification of Construction/Demolition, an Air Plan Approval Permit, and a Massachusetts Contingency Plan (if necessary) from the Department of Environment Protection (DEP). It will need to obtain an Industrial Wastewater Discharge Permit from the Massachusetts Water Resources Authority. The project will also require a minor modification to an existing Urban Renewal Plan from the Boston Redevelopment Authority (BRA), and review by the Massachusetts Historical Commission. The proponent is seeking financial assistance from the Commonwealth for the Moakley Services Center portion of the project. MEPA jurisdiction therefore extends to all aspects of the project that may have significant environmental impacts.

Review of the FEIR

The FEIR contained a copy of the DEIR Certificate and a copy of each comment received. The proponent circulated the FEIR to those parties submitting individual written comments on the DEIR, and to any state agency from which the proponent will seek permits.

The FEIR included more detail on the proposed use of the biocontainment building and any potential environmental impacts from the proposed use. It addressed, to a level sufficient for MEPA purposes, the concerns raised regarding the safety of the proposed biocontainment building. The FEIR identified the design features that the biocontainment building will employ to enhance safety. It documented how the facility would meet any applicable state and federal regulations regarding the safety of the facility. As required, the FEIR evaluated a "worst case" safety event involving the loss of the physical integrity of the containment systems. It addressed safety considerations related to any transport of potentially hazardous biological agents to and from the biocontainment facility. All federal and state requirements will be adhered to during the transportation of potentially hazardous biological agents. I note that the BRA is reviewing the project and will address the project's consistency with the City of Boston's zoning and other rules and regulations. Also, the National Institute of Health (NIH) is conducting a review under NEPA and will further analyze aspects of the project, particularly as it relates to the storage, safety, and containment design requirements of the federal government.

The proponent examined alternatives as required in the initial scope and the MEPA regulations. The FEIR investigated two alternatives to the proposed access point and intersection at the Massachusetts Avenue Connector. The project will now have access from the Frontage Road-South and from existing streets that connect to Albany Street. The proponent has abandoned the previously proposed access to the Massachusetts Avenue Connector due to concerns raised by MHD. The project will work to avoid or minimize impacts on the Urban Ring project. Furthermore, nothing in the project design will preclude the Massachusetts Avenue Connector access from being constructed in the future, if needed and the concerns of MHD are addressed. There is some potential for increased traffic in adjacent residential areas.

In the FEIR, the proponent has committed to undertake a minimum of 4:1 Inflow/Infiltration (I/I) removal as part of its permitting process with DEP to enter the Boston Water and Sewer Commission (BWSC) wastewater system.

The FEIR responded to the comments received on the DEIR and provided additional narrative or technical analysis as appropriate. The proposed project has received significant City of Boston review, and is now undergoing federal environmental review.

Mitigation

In the FEIR, the proponent committed to the following mitigation measures:

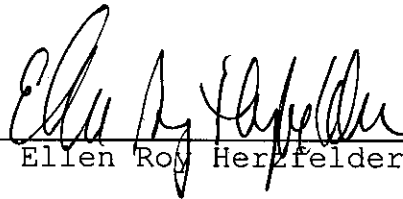
- Provide 4:1 I/I removal program (approximately \$480,000);
- Create a pocket park along Albany Street (approximately \$246,000);
- Modify the East Newton Street/Albany Street intersection as a four-way intersection (approximately \$100,000 to \$200,000);
- Provide a traffic and parking management plan for Albany Street between East Newton Street and Union Park Street;
- Rebuild Albany Street sidewalks and provide pavement markings along Albany Street including lane striping and crosswalks (approximately \$35,000 to \$60,000);
- Install fiber optic cables along Albany Street (approximately \$20,000 to \$25,000);
- Provide the City of Boston with up to two variable message boards for real time traffic information (approximately \$52,000);
- Install directional signage at site (approximately \$25,000);
- Institute a Transportation Demand Management (TDM) Program that includes membership in Transportation Solutions for Commuters (TMA);
- Provide a transit pass subsidy program (25 percent) for Boston Medical Center employees;
- Provide a ridesharing program, preferential parking, a guaranteed ride home, direct-deposit payrolls, shuttle bus service to Orange and Red Lines, Zipcar, and flextime and telecommuting as part of its TDM program; and
- Provide safe and secure bicycle storage areas (up to 140 bicycles in the parking garage and around the site) (approximately \$20,000) and shower facilities for employees.

The FEIR included a draft Section 61 Findings for the Massachusetts Highway Department, the Department of Environmental Protection, and the Massachusetts Water Resources Authority in Appendix 7 of the FEIR.

Based on a review of the ENF, the DEIR, the FEIR and the many comments submitted on this project, I hereby find that the FEIR adequately and properly complies with the MEPA regulations. I am confident that any outstanding issues can be addressed in the federal, state and local permitting process and that additional mitigation measures can be developed to further ensure that this facility is operated in a manner that protects public health and the environment. No further MEPA review is required at this time.

November 15, 2004

Date


Ellen Roy Herzfelder

Comments received:

Oxxon Therapeutics, 8/20/04
MA Biologic Laboratories, 8/31/04
COBTH, 9/7/04
Conservation Law Foundation (CLF), 9/8/04
BU School of Public Health, 9/9/04
Fort Point Assoc. (FPA), 9/20/04
Lawrence S. Blaszkowski (MGH), 9/20/04
Christopher Brayton, 9/21/04
FPA, 9/24/04
Univ. of Maryland School of Medicine, 9/27/04
Kenneth Olken, 9/29/04
President, Boston City Council, 9/29/04
Long Bay Management Co., 9/29/04
Kevin C. Peterson, 9/29/04
Novo Biotic Pharmaceuticals, 9/30/04
Taylor Smith Realty, 10/1/04
Michael E. Capuano, U.S. House of Representatives, 10/6/04
CLF, 10/7/04
FPA, 10/8/04
South Boston Community Health Center, 10/12/04
Sheila Grove, 10/12/04
DEP/NERO, 10/13/04

Inner Core Committee, 10/19/04
Virginia Pratt, 10/19/04
Paul Zigurds Rinkulis, 10/21/04
CUH2A, 10/22/04
The Ellis South End Neighborhood Assoc., 10/22/04
Boston Environmental Hazards Program, 10/22/04
MWRA, 10/25/04
CLF, 10/25/04
Hemisphere, 10/25/04
David S. Mundel, 10/25/04
CUH2A (J. Crane), 10/27/04
Pam Kennedy, 10/28/04
John E. Mann, 10/28/04
Patricia Glynn, 11/2/04
Jessie Partridge, 11/3/04
William J. Santoro, 11/3/04
Susan Gracey, 11/3/04
Neighborhood of Affordable Housing, 11/4/04
Cambridge Health Alliance, 11/4/04
Dorothy Woelfel, 11/4/04
Miriam Shenitzer, 11/4/04
Phoebe Knopf, 11/5/04
Vicky Steinitz (UMASS), 11/5/04
BWSC, 11/5/04
Watertown Citizens for Environmental Safety, 11/5/04
William S. Grenzebach, 11/5/04
Robina E. Folland, 11/5/04
Safety Net/Alternatives for Community & Environment (ACE),
11/5/04
Joan Ecklein, 11/5/04
Newton Dept. of Planning & Development, 11/5/04
Helaine Simmonds & Cinda Stoner, 11/7/04
ACE, 11/8/04
MAPC, 11/8/04
Shirley Kressel, 11/8/04
Old Dover Neighborhood Association, 11/8/04
Marc Pelletier, 11/9/04
Fort Point Assoc., 11/9/04
MHC, 11/9/04
EOTC, 11/9/04

Form Cards Supporting Project (approximately 476)
Form Letters Supporting the Project (approximately 157)
Form Letters Opposed to the Project (approximately 12)

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ERH/WTG